

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

SEP 30 2014

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Tsh, DEPUTY

TYRONE HENRY McMILLER,)
)
Plaintiff,)
)
vs.)
)
GEO GROUP, INC., et al.,)
)
Defendants.)

No. CIV-12-1060-W

ORDER

On August 14, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that defendant GEO Group, Inc. ("GEO") be dismissed from this action. Plaintiff Tyrone Henry McMiller, proceeding pro se, was advised of his right to object, see Doc. 99 at 6, and despite an extension of time to do so, see Doc. 104, McMiller filed no objections to the Report and Recommendation within the allotted time.

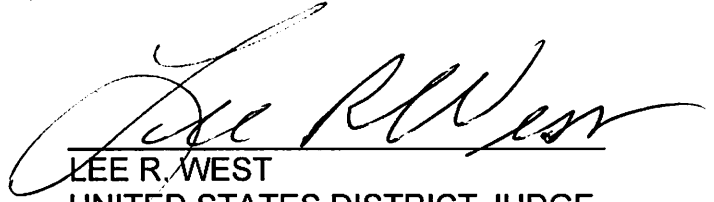
Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggestion that GEO is entitled to dismissal under Rule 12(b)(6), F.R.Civ.P., because the allegations in the second amended complaint fail "to state a claim to relief [against GEO] that is plausible on its face." Bell Atlantic Co. v. Twombly, 550 U.S. 554, 570 (2007).

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 99] filed on August 14, 2014;
- (2) GRANTS GEO's Motion to Dismiss Plaintiff's Second Amended Complaint [Doc. 84] filed on January 13, 2014;
- (3) DISMISSES GEO as a defendant in this matter; and

(4) because McMiller has had sufficient opportunity to "to frame a 'complaint with enough factual matter (taken as true) to suggest' that he . . . is entitled to relief," Robbins v. Oklahoma, 519 F.3d 1242, 1247 (10th Cir. 2008)(quoting Twombly, 550 U.S. at 556), against GEO, DENIES McMiller leave to amend as to this defendant.

ENTERED this 30th day of September, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE